

02-3894

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In Re Joint Application of AMA
Communications, L.L.C and
Tech Telephone Company, L.P.
for Streamlined Authority
Under Section 214 of
the Communications Act for
Transfer of Control
of Tech Telephone Company, L.P.

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File Nos. _____
and

**JOINT APPLICATION
FOR TRANSFER OF CONTROL**

AMA Communications, **L.L.C.**, ("AMA" or the "Transferee") and Tech Telephone Company, L.P. d/b/a TechTel Communications ("TechTel" or the "Transferor") hereby request FCC consent to transfer control of Section 214 authorizations to provide domestic and international switched telecommunications service currently held by TechTel and for AMA to acquire certain TechTel facilities pursuant to Section 214 of the Communications Act of 1934, as amended (the Act), 47 U.S.C. § 214, and Section 63 of the Commission's Rules, 47 C.F.R. § 63. Specifically, this Application is filed pursuant to Commission Rule 63.18(e)(3) and the streamlined procedures of Commission Rule 63.03(b)(2)(i)

I. INTRODUCTION AND DESCRIPTION OF THE TRANSACTION

TechTel is a Texas limited partnership that provides local exchange services, domestic and international long distance services, high-speed Internet access, and enhanced data services to more than 7,000 customers in Texas. TechTel was founded in 1998 to provide customers a high tech. affordable alternative to Southwestern Bell Telephone Company.

On September 5, 2002. TechTel filed a voluntary bankruptcy petition under Chapter 11 of the United States Bankruptcy Code to restructure its operations.'

¹ See *In re Application of Tech Telephone Co., L.P., Debtor*, Case No. 02-51082, U.S. Bankruptcy Court, N.D. Tex. Lubbock Division.

AMA Communications, L.L.C. is a Texas limited liability corporation that was formed to purchase certain assets of TechTel, including telecommunications assets and customer accounts, from the bankruptcy estate. This transfer of control application is being filed to implement the Asset Purchase Agreement between the parties. Commission approval of the transfer of the TechTel Section 214 authorizations and certain facilities will allow the Transferee to provide high-quality switched telecommunications services to the Transferor's customers utilizing the Transferor's existing facilities and services from other providers.

The proposed transaction will result in the Transferee being a non-dominant carrier, having less than 10 percent of the domestic interexchange market share. The Transferee will provide competitive domestic and international telephone exchange services in geographic areas served by dominant local exchange carriers that are not parties to the transaction. Moreover, under Section 63.10(a), the Transferee is presumptively non-dominant on any international routes it may serve, and has no affiliation with any foreign carrier. Therefore, this application qualifies for the streamlined approval process provided for in §§ 63.03 and 63.12 of the Commission's rules.

By granting this application, the Commission will serve the public interest, convenience, and necessity by ensuring continuity of service to the Transferor's customers and promoting competition in the domestic and international interexchange services market. Competition will benefit U.S. consumers by increasing service options and lowering prices.

II. SUPPORTING INFORMATION

In support of its request for authority to transfer the TechTel Section 214 authorization to provide international switched voice services, and pursuant to Section 63.18 of the Commission's Rules, the Transferee furnishes the following information relevant to the application.

Information concerning the Transferor and the Transferee

(a). Name, Address, and Telephone Numbers of the Parties

The Transferor is Tech Telephone Company, L.P. The Transferor's telephone number is (806) 722-2222. The Transferor's business headquarters are located at the following address:

Tech Telephone Company, L.P.
4621 South Loop 289, Suite A
Lubbock, Texas 79424

The Transferee is AMA Communications, L.L.C. The Transferee will conduct business under an assumed name, AMA * TechTel Communications. The Transferee's telephone number is: (806) 353-7638. The Transferee's business headquarters are located at the following address:

AMA Communications, L.L.C
4909 Canyon Drive
Amarillo, Texas 79110

(b). Place of Corporate Organization

The Transferor is a Texas limited partnership. The Transferee is a Texas limited liability corporation formed on October 24, 2002, and issued Charter No. 0800136522.

(c). Contact Information

All correspondence concerning this Application should be addressed to the following individuals:

Transferor's attorneys:

Max Tarbox
Law Offices of Max Tarbox
Suite 404
3223 South Loop 289
Lubbock, Texas 79432
Phone: (806) 780-5955
FAX: (806) 780-5956

Transferor:

Paul Jefferson Harlow II
President of TechTel Corporation,
General Partner of
Tech Telephone Company, L.P.
4621 South Loop 289, Suite A
Lubbock, Texas 79424
Phone: (866) 378-8324
FAX:

Transferee's attorneys:

Susan C. Gentz
Bradford W. Bayliff
Casey & Gentz, L.L.P.
919 Congress Ave., Suite 1060
Austin, Texas 78701
Phone: (512) 480-9900
FAX: (512) 480-9200

Transferee:

Lehmer Dunn
President
AMA Communications, L.L.C.
Post Office Box 15327
Amarillo, Texas 79105
Phone: (806) 353-7638
FAX: (806) 352-3327

(d). Previous 214 Authority

The Transferor has authority to provide resold domestic interstate and global international switched services (ITC-214-19980622-00430) under Section 214 of the Act. The Transferee has not previously received authority under Section 214 of the Communications **Act**. The Transferee requests approval of the transfer of control of the Transferor's global resale international authority under Section 63.18(e)(3) of the Commission's rules.

Information Concerning the Transferee (pursuant to Section 63.18(e)(3))

(ti). Equity Ownership of AMA

AMA is a wholly owned subsidiary of AMA Wireless, LLC. Approximately 30 private investors own twelve percent of AMA Wireless, LLC. The primary shareholders of AMA Wireless, LLC are:

<u>Name</u>	<u>Percentage</u>	<u>Citizenship</u>	<u>Principal Business</u>
Lehmer Dunn	26.4	United States	Telecommunications Services
Bobby Richardson	26.4	United States	Telecommunications Services
Sam Attebury	35.2	United States	Telecommunications Services

Post Office Box 15327
Amarillo, Texas 79105

(i). Foreign Carrier Certification

The Transferee hereby certifies that it is not, and has no affiliation with, a foreign carrier.
No director, shareholder, or officer of the Transferee is an agent of a foreign carrier.

(j). Not Applicable

(k). Not Applicable

(l). Not Applicable

(m). Not Applicable

(n). No Special Concessions

The Transferee hereby certifies that it has not agreed to accept special concessions directly or indirectly from any foreign carrier or administration with respect to traffic or revenue flows between the U.S. and any foreign country that the Transferee may serve under the authority granted under this part and will not enter into such agreements in the future.

(o). Certification Pursuant to Rules 1.2001 Through 1.2003

The Transferee hereby certifies that no party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act.

(p). Streamlined Processing.

The Transferee is presumptively non-dominant under Section 63.10(a)(1) of the Commission's Rules and, therefore, qualifies for streamlined processing pursuant to Section 63.12 of the Commission's Rules.

Other Applications Pending or to be Filed with the Commission Related to the Same Transaction

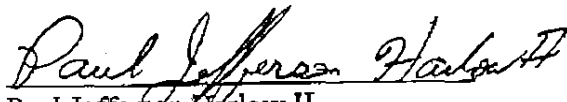
This application also requests transfer of the Transferor's domestic Section 214 authority pursuant to the terms and conditions of Sections 63.04(b)(2)(i) of the Commission's rules. The transaction also will transfer certain telecommunications switching facilities such as switches from TechTel to AMA. The Transferee will comply with the requirements of 47 CFR. 64.1120. The Transferee will file an application at the Public Utility Commission of Texas for intrastate local and interexchange authorization; to provide service to customers.

Public Interest Statement

By granting this application, the Commission will serve the public interest, convenience and necessity by ensuring continuity of service to the Transferor's customers and promoting competition in the domestic and international interexchange services market. The Transferee and Transferor therefore respectfully request that the Commission approve the transfer of the TechTel domestic and global resale international Section 214 authorizations to the Transferee

Respectfully submitted,

TECH TELEPHONE COMPANY, L.P.
4621 South Loop 289, Suite A
Lubbock, Texas 79464
Phone: (866) 378-8324
FAX:

By: 
Paul Jefferson Harlow II
President of
TechTel Corporation, General Partner of
Tech Telephone Company, L.P.

Respectfully submitted,

AMA Communications, L.L.C.

Post Office Box 15327

Amarillo, Texas 79105

Phone: (806) 353-7638

FAX: (806) 352-3327

By:  _____
Lehmer Dunn

President

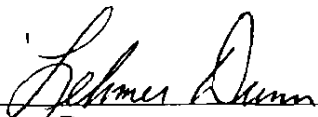
AMA Communications, L.L.C.

AFFIDAVIT

STATE OF TEXAS §
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COUNTY OF RANDALL §

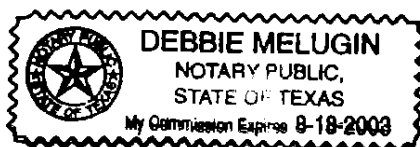
BEFORE ME, the undersigned authority, on the 9th day of December 2002, personally appeared Lehmer Dunn, President of AMA Communications, L.L.C., who upon being by me duly sworn, on oath deposed and said the following:

1. "My name is Lehmer Dunn. I am over the age of twenty-one (21), of sound mind and competent to testify to the matters stated herein. I am the President of the Applicant, AMA Communications, L.L.C.
2. "I swear or affirm that I have personal knowledge of the facts stated in this Joint Application for Transfer of Control and that I have the authority to make this application on behalf of the Transferee.
4. "I further swear or affirm that all of the statements and representations made in this Joint Application for Transfer of Control are true and correct."



Lehmer Dunn
AMA Communications, L.L.C.

GIVEN under my hand and seal of office this 9th day of December 2002





NOTARY PUBLIC, State of Texas

ATTACHMENT A

APPLICATION FOR TRANSFER OF SECTION 214 DOMESTIC AUTHORITY

1. Description of the Transaction

A detailed description of the transaction is set forth in Section I of the primary global resale international Section 214 application for approval of transfer of control.

2. Geographic Areas and Services.

TechTel is a competitive local exchange carrier (CLEC) authorized to offer telecommunications services in Texas. TechTel offers facilities-based local exchange and exchange access services, domestic and international long distance telephone services, and additional services such as high-speed Internet and enhanced data services to more than 7,000 customers. AMA is a newly formed Texas limited liability corporation that is applying to obtain authorization to provide services in Texas.

3. Expedited Treatment and Qualification for Streamlined Processing of Application

The proposed transaction will result in the Transferee being a non-dominant carrier, having less than 10 percent of the domestic interexchange market share and the Transferee will provide competitive domestic and international telephone exchange services in geographic areas served by dominant local exchange carriers that are not parties to the transaction. Therefore, this application qualifies for the streamlined approval process provided for in § 63.03 of the Commission's rules. Granting expedited treatment of this application will further serve the public interest by allowing the Transferee to implement a smooth transition and continue the operations of the Transferor

4. Other Applications Pending or to be Filed with the Commission Related to the Same Transaction

This attachment accompanies a primary application that requests authorization to transfer the TechTel global resale international Section 214 authority to **AMA**. The Transferee will comply with the requirements of 47 C.F.R. 64.1120. The Transferee will file an application at the Public Utility Commission of Texas for intrastate local and interexchange authorization to provide service to customers

5. Special Considerations Because of Imminent Business Failure

There is no imminent business failure at this time because TechTel is operating and providing service to customers under protection of the United States Bankruptcy Code. The need to complete the transaction and provision the Transferee's service to customers, however, does add a sense of urgency to obtain regulatory approvals and to close the transaction,

6. Identification of Separately Filed Waiver Requests

Neither the Transferor nor the Transferee will file any waiver requests.

7. Public Interest Statement

By granting this application, the Commission will serve the public interest, convenience and necessity by ensuring continuity of service to the Transferor's customers and promoting competition in the domestic and international interexchange services market